IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE Mr. JUSTICE C.V. RAMULU

WRIT PETITION No.8097 of 2005

Between:

K. Maraiah, S/o. Ramulu,
Hindu, aged about 35 years,

R/o. 4-92 Budumarlapally,

Kanagal Mandal, Nalgonda District.

..... PETITIONER

AND

1) The Secretary, R.T.A., Nalgonda, Nalgonda District.

2) Inspector of Motor Vehicles, R.T.A., Hyderabad (West Zone),

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the action of the 2nd respondent in seizing the vehicle of the petitioner bearing No. A.P. 24 U 4190 with Check Report No.777930, dated 20-03-2005 as bad, arbitrary illegal and without jurisdiction and consequently direct the respondents to release the petitioner's vehicle forthwith.

Counsel for the Petitioner: Mr. VUPPALAPATI SRINIVASA RAO

Counsel for the Respondents : G.P. FOR TRANSPORT

The Court made the following :

ORDER: (Per Hon'ble Sri Justice B. Sudershan Reddy)

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport. At their request, the writ petition itself is taken up for final disposal at the stage of admission.

Issue Rule Nisi.

The petitioner's vehicle, auto-rickshaw, bearing No.A.P. 24 U 4190, which was proceeding from L.B. Nagar to Secunderabad, carrying ten persons, was intercepted by the 2nd respondent and he found the following irregularities

1. O/L 4 persons.
2. Permit not produced.
3. No proof of tax for Q.E. 31-03-2005.
4. No proof of F.C.
5. D/L not produced.

6. I.C. not produced.

The vehicle was seized in purported exercise of the power under Section 8 of the A.P. Motor Vehicles Taxation Act, 1963 and under Section 207 of the Motor Vehicles Act, 1988 and the same was kept at Nagole for safe custody.

The petitioner, admittedly, did not file any application seeking release of the vehicle as is required under law, and therefore, it is not possible to grant any relief at this stage.

However, the respondents are directed to dispose of the application, to be submitted by the petitioner, within three days from the date of submitting such application, and pass appropriate orders, in accordance with law.

The Writ Petition is accordingly disposed of without any order as to costs.

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B. SUDERSHAN REDDY, J

Date:12-04-2005.

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C.V. RAMULU, J

NOTE:

Furnish certified copy of the order by 15-04-2005.

(B/O)

PV

To

1) The Secretary, R.T.A., Nalgonda, Nalgonda District.

2) The Inspector of Motor Vehicles, R.T.A., Hyderabad
(West Zone).

3) Two C.Cs. to G.P. for Transport, High Court of A.P.,

Hyderabad (O.U.T.).

4) Two C.D. copies.